

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 5062 of 2005

Between:

Sri Suram Kiran Kumar Reddy,

S/o. Suram Venkat Reddy,
R/O. Plot No. 108, Jyothi Colony,

AOC Gate, Secunderabad.

..... PETITIONER

AND

1 The Commissioner of Police,

Hyderabad at Basheerbagh, Hyderabad.

2 The Deputy Commissioner of Police,

Central Zone, Hyderabad.

3 The Station House Officer,

PS Ramgopalpet, Secunderabad.

4 The Immigration Officer,

Rajiv Gandhi International Airport,
Hyderabad.

5 The Passport Officer,

Hyderabad at Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue a Writ order or direction more particularly one in the nature of Writ of Mandamus by declaring the impugned action of the respondents in not allowing the petitioner from leaving Hyderabad to London on 04-03-2005 as being illegal, arbitrary, unconstitutional besides violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to permit the petitioner to leave India and pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.VIJAYSEN REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR HOME

Counsel for the Respondent Nos.4 and 5: Mr.A.Rajasekhar Reddy, Asst.Solicitor General

The Court made the following :

ORAL ORDER:

This writ petition is filed complaining that the respondents are not permitting the petitioner to leave Hyderabad to London, and that he was detained by the fourth respondent, when he was about to leave for London on 04-03-2005.

The petitioner is accused in Cr.No.42 of 2002 on the file of the P.S.Ramgopalpet, wherein he is alleged to have committed offences punishable under Sections 490, 417, 420, 376 r/w 109 of IPC. After investigation charge sheet was filed, which was registered as PRC No.9 of 2002 on the file of XI Metropolitan Magistrate, Secunderabad. The petitioner and the other accused had filed CrI.P.No.2771 of 2002 seeking quashing of the charge sheet. The High Court, by order dated 25-10-2002 quashed the charge sheet as against the other accused i.e., A.2 to A.4, that as against the petitioner, only the offences punishable under Sections 493 and 396 IPC were deleted and that the XI Metropolitan Magistrate was directed to renumber the Calender Case against the petitioner only for the offences punishable under Sections 417 and 420 IPC. Eventually C.C.No.1423 of 2002 was registered and is pending on the file of the XI Metropolitan Magistrate, Secunderabad. As the petitioner was out of country, warrants were issued against him. Later when the petitioner returned, he sought recall of the warrants, and eventually, warrants were recalled by order dated 10-12-2004 on a condition that the petitioner furnishes a stipulated surety. C.C.No.1423 of 2002 was posted for petitioner's appearance on 05-9-2005. At that stage, the petitioner again wanted to leave for London but was not permitted to do so.

On behalf of the respondents counter-affidavit is filed by the Sub-Inspector of Police, P.S.Ramgopalpet, *inter alia* stating that the prosecution has filed an application before the XI Metropolitan Magistrate, Secunderabad on 9-03-2005 seeking to accord permission to the third respondent-S.H.O., Ramgopalpet PS to seize passport of the petitioner till the completion of the trial in the above said Calender Case, which is stated to be pending.

In the aforesaid circumstances, writ petition is disposed of directing the learned XI Metropolitan Magistrate to consider and dispose of the Crl.M.P. said to have been filed by the third respondent on 09-03-2005 seeking impounding of the passport of the petitioner expeditiously, in any event, within a period of two weeks from the date of receipt of a copy of this order. The petitioner's right to leave the country for alleged pursuit of education would depend on the outcome of the proceedings before the learned XI Metropolitan Magistrate, Secunderabad on the aforesaid application filed by the third respondent for impounding the passport of the petitioner.

03-05-2005

Note:

Copy of this order

be communicated to

the learned XI Metropolitan Magistrate,

Secunderabad.

B/o

LUR

Copy to:

1 The Commissioner of Police,

Hyderabad at Basheerbagh, Hyderabad.

2 The Deputy Commissioner of Police,

Central Zone, Hyderabad.

3 The Station House Officer,

PS Ramgopalpet, Secunderabad.

4 The Immigration Officer,

Rajiv Gandhi International Airport,
Hyderabad.

5 The Passport Officer,

Hyderabad at Secunderabad.

6 Two CCs to the G.P. for Home,

High Court Buildings, High Court of A.P.,

Hyderabad. (O.U.T.)

7 Two CCS to the Assistant Solicitor General,

High Court Buildings, High Court of A.P.,

Hyderabad. (O.U.T.)

8. The learned XI Metropolitan Magistrate, Secunderabad.

9. Two CD copies.

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